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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the application of:	)	Confirmation No. 2185
	)	
Robert R. Griffioen et al.	)	Group Art Unit: 2124
	)	
Serial No.: 09/878,346	)	Examiner: Qamrun Nahar
	)	
Filed: June 12, 2001	)	Attorney Docket: 91436-335
	)	
For: METHOD AND SYSTEM FOR	)	Customer No. 22463
UPGRADING EXISTING FIRMWARE	)	
ON THIRD PARTY HARDWARE	)	

BY COURIER

**REPLY TO NOTICE REGARDING NON-RESPONSIVE AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.

Dear Sir:

In response to the Office communication regarding non-responsive amendment mailed December 30, 2004, we enclose a new declaration for this application. As requested by the Examiner we also enclose a clean copy of our September 22, 2004 faxed response for the purpose of future publication.

Respectfully submitted,

Ronald D. Faggetter  
Registration No. 33,345

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January 25, 2005  
Enclosures

(91436-335 JJP:bw)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Robert R. Griffioen

Serial No.: 09/878,346

Filed: June 12, 2001

For: METHOD AND SYSTEM FOR  
UPGRADING EXISTING FIRMWARE ON  
THIRD PARTY HARDWARE

Group Art Unit: 2124

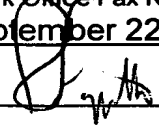
Examiner: Qamrun Nahar

Attorney Docket: 91436-335

AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231  
USA

Dear Sir:

<p align="center"><b>Certificate of Transmission</b></p> <p>I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (703) <u>872-9306</u> on <u>September 22, 2004</u>.</p> <p>Signature </p> <p align="center">Ronald D. Faggetter</p> <p align="center"><small>Typed or printed name of person signing this certificate</small></p>
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In response to the Office Action mailed June 23, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the Listing of Claims, which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.